



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 402-0863

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

October 7, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Donald Golden, M.D.
970 North Broadway
Yonkers, New York 10701

RE: License No. 078237

Dear Dr. Golden:

Enclosed please find Order #BPMC 98-236 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **October 7, 1998.**

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Richard C. Baker, Esq.
Meiselman, Farber, Packman & Eberz, P.C.
118 North Bedford Road
PO Box 151
Mt. Kisco, New York 10549

Timothy J. Mahar, Esq.

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
DONALD GOLDEN, M.D.

CONSENT
AGREEMENT
AND
ORDER

BPMC #98-236

Donald Golden, M.D., (Respondent) says:

That on or about September 16, 1956, I was licensed to practice as a physician in the State of New York, having been issued License No. 078237 by the New York State Education Department.

My current address is 970 North Broadway, Yonkers, New York 10701, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with six specifications of professional misconduct.

A copy of the Amended Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I plead no contest to the third factual allegation of the Amended Statement of Charges, which alleges that following a colonoscopy procedure, I failed to obtain and/or timely obtain a surgical consultation for Patient A on September 11, 1991, and/or September 12, 1991 and/or on September 13, 1991. Further, I plead no contest to the fifth specification alleging that I failed to maintain a record for patient A which accurately reflected the evaluation and treatment of that patient. This plea is made in full satisfaction of the remaining allegations and specifications. I hereby agree to a penalty of censure and reprimand.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and continuing until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC.

I hereby stipulate that any failure by me to comply with such condition shall constitute misconduct as defined by New York State Education Law §6530(29)(McKinney Supp 1998).

I agree that in the event I am charged with professional misconduct in the

future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

DATED 9/15/98

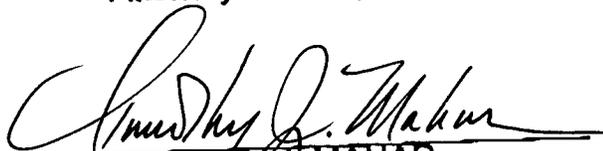

DONALD GOLDEN, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 9/15/98


RICHARD C. BAKER, ESQ.
Attorney for Respondent

DATE: 9/28/98


TIMOTHY J. MAHAR
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 9/29/98


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
DONALD GOLDEN, M.D.

CONSENT
ORDER

Upon the proposed agreement of Donald Golden, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: OCT. 2, 1998


PATRICK F. CARONE, M.D., M.P.H.
Chairperson
State Board for Professional
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
: AMENDED
IN THE MATTER : STATEMENT
OF : OF
DONALD GOLDEN, M.D. : CHARGES
-----X

DONALD GOLDEN, M.D., the Respondent, was authorized to practice medicine in New York State on September 16, 1956 by the issuance of license number 078237 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent provided medical care to Patient A (Patient A is identified in the appendix hereto), from approximately July 1, 1991 through September 13, 1991 at the St. John's Riverside Hospital in Yonkers, New York, which included performing a colonoscopy procedure on September 11, 1991. During the colonoscopy procedure, the colonoscope, inter alia, penetrated the colon and entered the peritoneal cavity. During the procedure, Patient A's jejunum was injured. Respondent's care of Patient A deviated from accepted standards of medical care in the following respects:

1. Respondent failed to timely terminate the colonoscopy procedure on September 11, 1991 after the colonoscope had entered Patient A's peritoneal cavity.

Exhibit A

2. Respondent failed to adequately and/or timely assess and/or manage Patient A both during and/or following the colonoscopy procedure on September 11, 1991.
3. Respondent, following the colonoscopy procedure, failed to obtain and/or timely obtain a surgical consultation for Patient A on September 11, 1991 and/or September 12, 1991 and/or on September 13, 1991.
4. Respondent, following the colonoscopy procedure, failed to appropriately assess the abdominal x-rays taken of Patient A on September 11, 1991, which demonstrated free air in Patient A's abdomen.
5. Respondent failed to maintain an adequate and/or accurate medical record for Patient A, including, but not limited to the following:
 - a) the failure to document that the colonoscope had entered into the peritoneal cavity in a handwritten progress note for the colonoscopy procedure dated September 11, 1991, and/or
 - b) drafting a further note concerning the colonoscopy procedure approximately three months after the procedure, and/or
 - c) amending on January 28, 1992 a progress note of

September 12, 1991 regarding Respondent's assessment of the post-colonoscopy x-ray for the presence of free air.

6. Respondent represented on September 12, 1991 that Patient A had no free air in the abdominal cavity, when Respondent knew that there was free air in Patient A's abdominal cavity.
7. Respondent failed to disclose on September 11, 1991 and/or at various times thereafter that he had caused an entry into Patient A's peritoneal cavity.

SPECIFICATIONS

FIRST SPECIFICATION

PRACTICING WITH GROSS NEGLIGENCE ON A PARTICULAR OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(4) by reason of his practicing the profession of medicine with gross negligence on a particular occasion, in that Petitioner charges the following:

1. The facts in Paragraphs A and A.1, and/or A and A.2, and/or A and A.3

SECOND SPECIFICATION

- PRACTICING THE PROFESSION WITH GROSS INCOMPETENCE

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(6) by reason of his practicing the profession of medicine with gross incompetence, in that Petitioner charges the following:

2. The facts in Paragraphs A and A.1, and/or A and A.2, and/or A and A.3.

THIRD SPECIFICATION

PRACTICING WITH NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(3) by reason of his practicing the profession of medicine with negligence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

3. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.

FOURTH SPECIFICATION

PRACTICING WITH INCOMPETENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(5) by reason of his practicing the profession of medicine with incompetence on more than one occasion, in that Petitioner charges that Respondent committed two or more of the following:

4. The facts in Paragraphs A and A.1, A and A.2, A and A.3 and/or A and A.4.

FIFTH SPECIFICATION

INADEQUATE MEDICAL RECORD

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(32) by reason of his failure to maintain a record for Patient A which accurately reflects the evaluation and treatment for that patient, in that Petitioner charges that Respondent committed the following acts:

5. The facts in Paragraphs A and A.5(a) and/or A and A.5(b) and/or A and A.5(c).

SIXTH SPECIFICATION
FRAUDULENT PRACTICE

Respondent is charged with professional misconduct under N.Y. Educ. Law § 6530(2) by reason of his practicing the profession fraudulently, in that Petitioner charges that Respondent committed the following acts:

- 6 The facts in Paragraphs A and A.6 and/or A and A.7

DATED: *August 21*, 1998
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct